



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

John Sartori, General Manager  
SMM New England Corporation  
234 Universal Drive  
North Haven, CT 06473

Re: Clean Air Act Testing Order for SMM New England Corporation in Johnston, RI

Dear Mr. Sartori:

The United States Environmental Protection Agency ("EPA") is evaluating whether SMM New England Corporation ("SMM") is in compliance with the Clean Air Act ("CAA" or "Act") and requirements promulgated under the Act at its various facilities in the six New England states. These CAA requirements include; the National Emission Standards for Hazardous Air Pollutants found at 40 CFR Part 63, the Standards of Performance for New Stationary Sources found at 40 CFR Part 60; and federally enforceable state implementation plans.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations.

EPA is evaluating emissions of volatile organic compounds (VOCs), particulate matter (PM), and hazardous air pollutants (HAPs) from the shredding and processing of scrap metal. Such emissions may trigger permitting and other CAA requirements. As a result, EPA is ordering SMM to test emissions from its Johnston, Rhode Island facility. This Testing Order replaces and supersedes an earlier testing order issued to Sims Metal Management Limited on April 7, 2015.

Specifically, SMM shall test the emissions from shredding operations according to the procedures/methods described below.

## **Testing Order**

**SMM shall develop an emissions testing protocol for testing of VOCs, HAPs, and PM emissions from operations in Johnston, Rhode Island.**

- 1) The emissions testing protocol shall include provisions such that:
  - a) sufficient scrap metal and automobiles will be available for an 8 hour period at the facility's maximum shredding throughput rate;
  - b) a specified ratio of automobiles to total scrap throughput can be maintained; the protocol will propose a ratio that maximizes automobile content without compromising performance;
  - c) SMM will collect and prepare scrap metal and automobiles according to its normal procedures in advance of the test; and
  - d) Emissions will be monitored while the shredder is operated at the facility's maximum shredding throughput rate for a minimum of 8 hours.
- 2) The emissions testing protocol shall provide that to prepare for and conduct emissions testing, SMM shall establish a temporary (or permanent) enclosure downstream of the hammer mill. Specifically, the protocol will require SMM to:
  - a) Provide a diagram of the actual location of the physical structure; and
  - b) Demonstrate that a temporary (or permanent) hood has been installed prior to and remains installed during the test period with an appropriate face velocity. This velocity shall be confirmed post construction.
- 3) The protocol shall require recording of process operating parameters, including but not limited to:
  - a) Conveyor speed;
  - b) Total tonnage of automobiles shredded; and
  - c) Flow rate to the water suppression system and amperage setting.
- 4) The protocol anticipates analysis of background conditions, and shall specify the use of the following test methods (see 40 CFR Part 60, Appendix A) to evaluate the potential-to-emit (PTE) from the operation in question.
  - a) Methods 1-4 and Method 25A and/or other EPA approved methods to measure total gaseous organic compounds as VOC. Methane and ethane concentrations shall be determined and subtracted from the total hydrocarbon concentration measured following Method 25A to determine VOC concentrations;
  - b) Method 18, Method TO-15, and/or other EPA approved methods to measure HAPs;
  - c) Methods 1-4, Method 5, and Method 202 and/or other EPA approved methods to measure filterable and condensable particulate matter; and
  - d) Methods 1-4 and Method 29 and/or other EPA approved methods to measure metals.
- 5) The protocol shall require, as appropriate per methodology, SMM to monitor emissions of VOC, HAP, and PM, at a minimum, from the exhaust vent(s) on the enclosure:
  - a) for one hour prior to the test period to establish a baseline;
  - b) over the entire 8 hour test period or such lesser period(s) as appropriate; and

- c) for a period of time after the test period until emissions return to baseline levels.
- 6) The protocol shall specify performing of an initial pitot tube traverse following Method 2 and then continuously monitoring pressure differential at a single representative point. The protocol shall provide for conducting subsequent Method 2 traverse(s) if there is a significant change in the pressure differential measured at the single representative point.

**SMM shall prepare the emissions testing protocol as described above, submit it to EPA for review and approval, and conduct emissions testing according to the EPA approved protocol, according to the following schedule:**

- 7) Within 30 days of the date SMM receives this letter, contact EPA's Bill Osbahr, at (617) 918-8389, to schedule a conference. At this conference, EPA will review with SMM the testing procedures, monitoring procedures, and testing methods described above and discuss the development of an emissions testing protocol.
- 8) Within 90 days of the date SMM receives this letter, prepare and mail to EPA for review a draft emissions testing protocol that incorporates the procedures/methods described above, as well as a proposed timeline or schedule for the completion of pre-test preparations and measures (such as obtaining any necessary state and local permits, and preparing an hood as described in Section 2(b) above.
- 9) Within 30 days of receiving EPA comments on the draft protocol, SMM shall revise and resubmit the emissions testing protocol in accordance with EPA's comments or required changes. EPA shall approve, approve with conditions, or disapprove the revised emissions testing protocol in writing.
- 10) Within 30 days of the date EPA approves the emissions testing protocol, SMM shall hold a pre-test meeting with EPA, and schedule the testing date in accordance with the approved protocol schedule. SMM will then conduct the test as scheduled.
- 11) Within 45 days of completing the test, SMM must:
  - a) Submit a complete test report to EPA; and
  - b) Provide a list of any deviations in the face velocity within the hood and detailed descriptions of the corrective actions taken.

Note that Attachment A to this Testing Order provides lists of required elements for pre-test protocols and test reports.

Be aware that if SMM does not provide the information required in this Reporting Requirement and Testing Order in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

Provide the above-required information to:

Susan Studlien  
US EPA Region 1  
Mail Code OES04-2  
5 Post Office Square Suite 100  
Boston, Massachusetts, 02109-3912  
Attn: Abdi Mohamoud

If you have any questions regarding this Testing Order, please contact Abdi Mohamoud at (617) 918-1858, or have your attorney call Tom Olivier at (617) 918-1737.

Sincerely,

Susan Studlien, Director  
Office of Environmental Stewardship

cc: Scott Jacobs, SMM New England Corporation  
Earl Phillips, Esq., Robinson and Cole  
Ted Burns, RIDEM  
Chris John, RIDEM